

PATENT Customer No. 22,852 Attorney Docket No. 07883.0111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Robert Edward KOHLER et al.) Group Art Unit: 3731
Application No.: 10/052,156)) Examiner: (Jackie) Tan-Uyen T. Ho
Filed: January 16, 2002)) Confirmation No.: 1036) .
For: ENCASED IMPLANT AND METHODS	

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEWS

As an initial matter, Applicants would like to thank the Examiner for conducting telephonic interviews with Applicants' undersigned representative on January 11, 2005, February 24, 2005, and March 22, 2005. Further to 37 C.F.R. § 1.133 and M.P.E.P. § 713.04, Applicants hereby submit a summary of the telephonic interviews.

During the course of the interview, the Examiner brought U.S. Patent Nos. 6,764,518, 6,537,310, 5,552,881, 5,123,917 to Applicants' attention.

With regard to U.S. Patent No. 6,764,518 to <u>Godin</u> ("<u>Godin</u>"), the Examiner asserted that <u>Godin</u> disclosed the subject matter of independent claims 1, 15, and 25 as set forth in the Amendment After Final filed December 22, 2004, and additionally disclosed the aspect of the tubing being folded over one of the first and second ends of the scaffold.

With regard to U.S. Patent No. 6,537,310 to <u>Palmaz et al.</u> ("<u>Palmaz</u>"), the Examiner asserted that <u>Palmaz</u> disclosed the subject matter of independent claims 1, 15, and 25 as set forth in the Amendment After Final filed December 22, 2004, including the aspect of tubing including a portion in extension away from and/or remote from the scaffold.

With regard to U.S. Patent No. 5,522,881 to <u>Lentz</u> ("<u>Lentz</u>"), the Examiner asserted that <u>Lentz</u> disclosed the subject matter of independent claims 1, 15, and 25 as set forth in the Amendment After Final filed December 22, 2004, and additionally disclosed the aspect of the tubing being folded over one of said first and second ends of the scaffold.

With regard to U.S. Patent No. 5,123,917 to <u>Lee</u> ("<u>Lee</u>"), the Examiner asserted that <u>Lee</u> disclosed the subject matter of independent claims 1, 15, and 25 as set forth in the Amendment After Final filed December 22, 2004, including tubing including a portion in extension away from and/or remote from said scaffold.

While Applicants do not necessarily agree that each of <u>Godin</u>, <u>Palmaz</u>, <u>Lentz</u>, and <u>Lee</u> disclosed the respective aspects set forth above, in the interests of expediting the prosecution of the application, Applicants agreed to allow the Examiner to amend independent claims 1, 15, and 25, as set forth in the Examiner's Amendment mailed March 30, 2005. The Examiner and Applicants agreed that none of the <u>Godin</u>, <u>Palmaz</u>, <u>Lentz</u>, and <u>Lee</u> disclosed a longitudinal axis of a lumen including a bend between the first end and the second end in combination with the other aspects as set forth in respective independent claims 1, 15, and 25.

Application No. 10/052,156 Attorney Docket No. 07883.0111 Interview Summary Under 37 C.F.R. § 1.133 - April 29, 2005

Please grant any extensions of time required to enter this Interview Summary and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: April 29, 2005

By:

Michael W. Kim Reg. No. 51,880